

## **\*\*ADVANCED POLICY\*\***

<b>Vermont State Hospital Policy &amp; Procedure</b>	Page 1 of 6	New <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Replaces:	Date: 8-7-06
Title: <b>Restricted Items and Search Policy</b>			
Advanced by: VSH Policy Committee Approved by: VSH Governing Body			Date: Date:

### **Policy Statement:**

In order to maintain a safe and secure treatment environment and to reduce the risk of harm to all patients, staff, and visitors, Vermont State Hospital restricts certain items from its patient care areas and may search patients and their belongings to enforce these restrictions. When a physician institutes search procedures, that physician's decision shall be based upon a weighing of the relative risks and benefits of the search, including the potential for harm, the imminence of the harm, the risk of trauma to the patient, and whether less intrusive procedures exist which could verify the presence or absence of Contraband. All searches shall be conducted in a manner that respects the patient's dignity and privacy.

### **Purpose:**

To prevent potentially dangerous items or substances from being brought onto the patient care areas except with the express consent of the Executive Director or as authorized under a physician's written order.

### **I. Definitions:**

**Restricted Items** ("Contraband") include:

- all medications, illegal drugs, alcohol, and toxic substances;
- matches, lighters, cigarettes and other smoking materials;
- shampoo, hair care products, aerosol products, and razors;
- hair dryers, curling irons, and other electric appliances;
- guns, knives, and other items that readily lend themselves to use as weapons;
- mirrors, bottles, and other items made out of glass;
- scissors, sewing kits, and other sharp objects;
- shoe laces, ties, string, straps, cords, belts, drawstrings, and other items that present a potential strangulation hazard;
- plastic bags;
- keys;
- any other item that within the discretion of staff poses a potential significant risk of harm to self or others.

**Pat Search:** A search in which a patient is requested to: (1) empty his or her pockets, (2) open any bags or other containers being carried onto the unit for an inspection of contents, and (3) submit to a pat-down frisk of outer clothing and/or a scan by metal detector.

**Strip Search:** A search in which a patient is asked to remove all of his or her clothing and expose the surface of his or her body to visual examination by a same-sex staff member. The patient may be asked to open his or her mouth for visual inspection. Staff shall examine the patient's clothing, including pockets, hems, seams and waistbands for the presence of Contraband.

**Body Cavity Search:** A body cavity search is a strip search that additionally involves the visual examination of the interior of the patient's mouth and a digital search of the rectum and vagina by a licensed physician. Body cavity searches are only permitted pursuant to warrant or in case of an emergency.

## **II. Procedures:**

### **A. General Considerations**

1. Searches of patients, their belongings, or their rooms may only be conducted by VSH personnel trained in the execution of Hospital search procedures.
2. Before ordering a strip search or a body cavity search, the physician shall consider the likelihood of trauma to the patient and the detrimental effect such a search may have on any existing or potential therapeutic alliance with the patient.
3. ~~Clinical considerations, including any history of rape, trauma, or violence, shall guide the physician in directing the manner in which the search may proceed.~~
4. Unless otherwise warranted by health, safety, or security concerns, a patient must be given the option of being present when staff members conduct a search of his or her belongings.
5. Staff shall open and examine the contents of any containers brought into the patient care areas.
6. To comply with ~~Universal~~ Standard Precautions, staff members shall wear gloves when conducting a search.
7. Staff are authorized and have responsibility for using judgment in ~~assessing the~~ screening for potentially dangerousness of items brought into the patient care areas. Questions as to whether items not expressly listed as Contraband may properly be brought onto the unit shall be referred to an R.N. or a physician.

8. Patients who have undergone a strip search or a body cavity search will be offered **de-briefing** counseling by an R.N. or physician once the search has been completed.

**B. Patient Searches on Admission/Return from Time off the Unit**

1. Staff shall conduct a Pat Search of all patients at the time of admission.
2. The staff member conducting the search will explain the process to the patient, and specifically ask the patient whether he or she has any Contraband materials in his or her possession.
3. Before a newly admitted patient is permitted to enter the unit, unit staff will require the patient to turn in his or her personal belongings and inventory those belongings in accordance with the *VSH Patient Personal Effects Policy*.
4. Staff shall take belts and shoelaces from all patients upon admission. Patients who require substitute clothing or shoes to maintain dignity and appropriate appearance shall be provided with the necessary attire.
5. Staff shall conduct metal detector screening of all patients returning from time off the unit. Staff shall require patients returning from time off the unit to empty their pockets and open any containers for inspection and may also conduct a pat-down frisk of the patient's outer clothing.

**C. Strip Searches**

1. A strip search may only be conducted upon a physician's order, following authorization by the VSH Executive Director and the VSH Medical Director or the individuals designated to serve in their absence. A decision to conduct a strip search must be based on a reasonable suspicion that the patient is in possession of Contraband that poses a risk of imminent harm to the patient or others. ~~that poses a risk of imminent harm to the patient or others.~~ **an immediate threat of serious bodily harm to the patient or others.**
2. Before ordering a strip search, the physician must personally attempt to ~~examine~~ interview and assess the patient, and ask the patient whether he or she will consent to the search. The physician shall consider whether less intrusive procedures exist that could reasonably verify the presence or absence of Contraband. The physician shall document the rationale for the search.
3. The search will be conducted by a minimum of two staff members in an area where privacy and safety can be assured. At least one of the staff members conducting the search shall be the same sex as the patient. If a staff member of the same sex is not available on the patient care area, the charge nurse shall contact the Supervisor to send a same-sex hospital staff member to assist with the search. **A reasonable attempt shall be made to conduct the search without the presence of any persons of the opposite sex.**
4. The patient shall be asked to remove his or her clothing and put on a hospital gown. ~~in the presence of a same-sex staff person.~~ A same-sex staff person shall visually examine the surface of the patient's body, lifting the hospital

gown as necessary to complete the search. Staff shall also search the patient's clothing including pockets, hems, seams, and waistband.

5. Except where a specific article of clothing is found to contain Contraband, the patient's clothing will be returned immediately after the search is completed.
6. Staff shall document the results of the search in the patient's progress notes. If any opposite-sex staff was present during the search, the documentation shall include the reason that the presence of any such staff was necessary.
7. The Executive Director and the Medical Director shall review the clinical documentation relating to any strip search within three working days.

**D. Body Cavity Searches**

1. Body cavity searches may only be conducted pursuant to a search warrant or, in the event of an emergency and following authorization by the VSH Executive Director and the VSH Medical Director or ~~their designees~~ the individuals designated to serve in their absence, pursuant to a physician's written order. Only a licensed physician may perform the digital penetration segment of a body cavity search.
2. A physician shall not order a body cavity search except in cases where the physician reasonably believes that Contraband sequestered within the patient's body presents an ~~immediate risk of harm to the patient or others~~ immediate threat of serious bodily harm to the patient or others.
3. ~~Before ordering a body cavity search, the physician shall consider the likelihood of trauma to the patient and the detrimental effect such a search may have on any existing or potential therapeutic alliance with the patient.~~
3. Before proceeding with the body cavity search, the physician shall consider the feasibility of alternative measures for confirming the presence of Contraband, such as x-rays or constant one-to-one observation.
4. Following the body cavity search, the physician shall document the results of the search in the patient's progress notes, relating the rationale the search.
5. The Executive Director and the Medical Director shall review the clinical documentation relating to any body cavity search within three working days.

**E. Non-Cooperative Patients**

1. When a patient refuses to cooperate with a search, staff shall manage the patient in a secure area and promptly summon a physician.
2. When the patient refuses to consent to search procedures and the physician reasonably suspects that the patient is concealing Contraband that poses an immediate risk of harm on his or her person, the physician may order the patient restrained so that the search may proceed.

3. Patients refusing to cooperate with search procedures ~~will~~ may be placed on unit restriction. Any non-cooperative patient will be re-evaluated by his or her treatment team relative to risk of harm at the treatment team's next regularly scheduled meeting.
4. The physician who orders a non-cooperative patient placed in seclusion or restraint shall fill out a certificate of need form documenting the rationale for the procedure.

**F. Room and Unit Searches**

1. All patient rooms shall be ~~are~~ checked for safety on a weekly basis.
2. If there is suspicion that the patient has concealed Contraband somewhere within the unit but not within his or her room, a unit search will be conducted.
3. To conduct a unit search, staff will first gather the patients in the community room to explain the search process. As each room is searched, the patients occupying that room are entitled to be present unless clinically contraindicated or unless otherwise warranted by health, safety, or security concerns.

**G. If Contraband Is Found**

1. The Nursing Care Coordinator and/or the Nurse Supervisor shall be notified when Contraband is found. He or she shall be responsible for making an appropriate disposition of the Contraband.
2. Any alcohol that is found during a search for Contraband shall be thrown away. Illegal drugs shall be turned over to the police, without identifying the patient from whom they were taken. The VSH Executive Director shall be immediately notified of any illegal Contraband found on Hospital premises and shall be responsible for any necessary notification of law enforcement authorities. *See VSH Reporting Patient Criminal Activity to Law Enforcement Policy.* Other potentially dangerous objects shall be removed and securely stored with the patient's belongings.
3. Weapons of any kind will be removed from the patient's possession. Staff will contact the State Police to arrange for the disposal of any weapon taken from the patient. No weapons of any kind will be permitted upon Hospital premises. *See VSH Weapons Policy.*
4. Any patient found with Contraband in his or her possession will be placed on unit restriction until such time as the treatment team has an opportunity to reassess the patient's privilege level.
5. The exception to paragraphs numbers 2 through 4 is regarding contraband found on a patient being newly admitted. In such a situation if a patient is in possession of contraband that is legal to possess but considered a threat or

inappropriate to store on VSH property (specifically, alcohol or weapons), the items will be removed and stored securely and separately from the patient's other possessions. The patient will be given the opportunity to identify and have contact made with an adult family member or friends to retrieve the property within 24 hours. If the property is not retrieved within 24 hours, it will be disposed of in accordance with paragraphs 2 or 3, as applicable.

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